

BILLY J. WILLIAMS, OSB #901366
United States Attorney
District of Oregon
GREGORY R. NYHUS, OSB #913841
Assistant United States Attorney
greg.r.nyhus@usdoj.gov
1000 S.W. Third Avenue, Suite 600
Portland, OR 97204-2902
Telephone: (503) 727-1000
Facsimile: (503) 727-1117
Attorneys for United States of America

UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

UNITED STATES OF AMERICA

3:14-CR-00190-HZ

3:13-CR-00064-HZ

v.

CYRUS ANDREW SULLIVAN,

Defendant.

**GOVERNMENT'S AMENDEDⁱ
MOTION FOR A PROTECTIVE
ORDER PURSUANT TO
Fed. R. Crim. P. 16(d)(1)**

The United States of America, by Billy J. Williams, United States Attorney for the District of Oregon, through Gregory R. Nyhus, Assistant United States Attorney (AUSA) for the District of Oregon, hereby moves this Court for a protective order pursuant to Fed. R. Crim. P. 16(d)(1), authorizing certain discovery distribution, preventing defendant from distributing or copying discovery material and preventing defendant from retaining a hard copy of discovery materials.

Defendant is on supervised release in two cases: 3:13-CR-00064-HZ, for Making Threatening Communications (18 U.S.C. § 875(c)); and 3:14-CR-00190-HZ (Assaulting a Federal Employee). He is facing supervised release violations in both matters for multiple violations, including contacting the victim in his 2013 case and failing to participate in the U.S. Probation computer monitoring system. The government has discovery that contains

personally identifying information (PII) of others, to include victims, attorneys and other state and federal officers and employees. Defendant is currently in custody.

This order is necessary for the reason that defendant's possession of material distributed as discovery that contains PII that may place those persons and others at risk of injury or otherwise jeopardize their safety; as well as be used by defendant to continue to harass officials charged with his custody. For these reasons, the government seeks authorization to limit the retention and circulation of materials.

The government proposes the following method of distribution to govern all materials distributed or produced as discovery:

Defense counsel of record shall be provided electronic media copies of all materials subject to the redaction rules adopted by the district and which omit personally identifying information. Defendant shall be permitted to review said materials electronically provided that the method of viewing does not permit the removal, transfer, copying, printing or redistribution of the materials provided. Defendant shall not be permitted to copy or transcribe the content of the materials, but shall be permitted to otherwise take notes in preparation for his defense.

Defense counsel of record shall also be provided a full, un-redacted copy of discovery. Counsel, and those working or employed by or agents of counsel shall not be permitted to display or share any portion of the un-redacted materials with defendant, or otherwise disclose the contents of redaction to defendant. Counsel shall be permitted to redistribute the discovery materials to successive counsel, experts, investigators, or such other consultants as necessary to conduct the defense in this matter.

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A copy of the protective order shall be kept with all discovery material obtained or produced by any party to the proceeding.

All copies of any un-redacted discovery material produced or provided by the government shall be either returned to the government at the conclusion of proceedings in the above-entitled matter or secured in such a manner that they are accessible only to defense counsel.

Defense counsel of record, Tiffany Harris, was contacted about this motion several weeks ago. Ms. Harris objects to the terms of the motion.

Dated this 26th day of April 2017.

Respectfully submitted,

BILLY J. WILLIAMS
United States Attorney

s/ Gregory R. Nyhus

GREGORY R. NYHUS OSB #913841
Assistant United States Attorney
(503) 727-1000

ⁱ The motion has been amended to reflect defendant's opposition.